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5   Attorney for Plaintiff
    SEAN HOFFARTH

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8   **UNITED STATES DISTRICT COURT**

9   **SOUTHERN DISTRICT OF CALIFORNIA**

10 SEAN HOFFARTH,   )   Case No.   11 cr 0450-LAB(BLM)
)
11   Plaintiff,   )
    v.   )   **ATTORNEY DECLARATION IN**
12   )   **SUPPORT OF REQUEST TO ALLOW**
    COUNTY OF SAN DIEGO; SAN DIEGO   )   **LATE FILING**
13 COUNTY SHERIFF'S DEPARTMENT;   )
    DOES 1 THROUGH 100,   )
14   )
                  Defendants.   )
15 _____)

16   I, CRAIG J. LEFF am familiar with the facts of this matter and if called upon to testify, would

17 competently testify as follows:

18   (1)   I am attorney licensed to practice law in the State of California;

19   (2)   I am the attorney of record for Plaintiff SEAN HOFFARTH in this matter;

20   (3)   I am requesting the Court allow late filing of Mr. Hoffarth's fist amended complaint; and

21   to allow the filing of a Motion for Reconsideration;

22   (4)   I could not file Mr. Hoffarth's First Amended complaint without also filing his Motion

23   for Reconsideration. Filing the Amended complaint without the Motion would operate

24   as a waiver of the Motion and would operate as a waiver of any appeal of both the

25   Court's decision to dismiss Mr. Hoffarth's Monell claims and any appeal of the Motion

26   for Reconsideration;

27   (5)   With counsel's court schedule and filing schedule from December 15, 2011 through

28   today's date, this is the fastest these documents could be completed and filed. Counsel

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1   respectfully requests leave to file the First Amended Complaint and the Motion for

2   Reconsideration on this date.

3   I declare the foregoing to be true and correct under penalty of perjury under the laws of the

4 United States and the State of California, except as to those facts stated on in formation and belief, and

5 as to those facts I believe them to be true.

6 Dated: January 13m 2012   S/s *Craig J. Leff*
                                      Craig J. Leff

7   Declarant

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